

REMARKS

In the March 24, 2009 Office Action, claims 1-6, 10-14 and 17 were objected to and claims 1-7 and 10-17 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the March 24, 2009 Office Action, Applicant has amended independent claim 1 as indicated above. Also, in response to the March 24, 2009 Office Action, Applicant has perfected priority to obviate the prior art rejection. Claims 8 and 9 were previously cancelled. Thus, claims 1-7 and 10-17 are still pending, with claims 1 and 7 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of the following comments.

Claim Objections

In paragraph 2 of the Office Action, claims 1-6, 10-14 and 17 were objected to for informality (lacking proper antecedent basis) in independent claim 1. In response, Applicant has amended independent claim 1 to correct the informality. Accordingly, withdrawal of this objections is respectfully requested.

Rejections - 35 U.S.C. § 103

In paragraph 5 of the Office Action, claims 1-7 and 10-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0144513 (Gunji et al.) in view of U.S. Patent No. 6,729,154 (Takashima et al.). In response, Applicant respectfully traverses this rejection as explained below.

The Takashima et al. patent has a U.S. filing date of ***June 19, 2003***. The instant application is a national phase application of PCT/JP2003/014232 filed November 7, 2003, which claims priority to JP 2002-330328. JP 2002-330328 was filed ***November 14, 2002***, a certified copy of which was indicated in the Office Action Summary of the April 20, 2007 Office Action as being received by the U.S. Patent and Trademark Office. Applicant has filed herewith a translation of the certified copy of the priority document (JP 2002-330328)

together with a statement that the translation of the certified copy of the priority document is accurate, in order to perfect the foreign priority claim in the instant application.

Applicant believes claims 1-7 and 10-17 of the instant application are supported by claims 1-7 of the translation of JP 2002-330328 as well as the written description and drawings of the translation of JP 2002-330328. Thus, Applicant respectfully asserts that these claims 1-7 and 10-17 of the instant application are entitled to the benefit of the November 14, 2002 filing date of JP 2002-330328 under 35 U.S.C. §§119 and 365. Thus, Applicant respectfully asserts that the rejection under 35 U.S.C. §103(a) based on U.S. Patent No. 6,729,154 (Takashima et al.) is obviated.

In particular, the March 24, 2009 Office Action acknowledges that the Gunji et al. patent alone does not disclose or suggest all of the features of claims 1-7 and 10-17. Thus, the Office Action relies on the Takashima et al. patent to disclose the features missing from the Gunji et al. patent, and asserts that claims 1-7 and 10-17 are obvious. However, Applicant believes U.S. Patent No. 6,729,154 cannot be applied as prior art in view of the above explanation (perfection of priority). Accordingly, based on the above, withdrawal of the prior art rejection of claims 1-7 and 10-17 under 35 U.S.C. §103 based on the Takashima et al. patent is respectfully requested.

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In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-7 and 10-17 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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